

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-28 are presently pending. Claims amended herein are 1, 13, 14, 17, 21, and 25. No claims are withdrawn, cancelled, or added herein.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on November 3, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, I discussed how the claims differed from the cited reference, Alexander. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0006]** The Examiner was receptive to the proposals. However, the Examiner indicated that he would need to review the cited art more carefully and possibly do another search, and requested that the proposed amendments be presented in writing.

**[0007]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments**

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 13, 17, 21, and 25 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

## **Substantive Matters**

### **Claim Rejections under § 102**

[0011] The Examiner rejects claims 1-28 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0012] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0013] The Examiner's rejections are based upon the following reference:

**Alexander:** *Alexander, et al.*, US Patent No. 6,177,931 (issued January 23, 2001).

### **Overview of the Application**

[0014] The Application describes a technology for providing a highly discoverable mechanism for the user to quickly look-ahead in the EPG grid while still using the familiar and intuitive scroll-forward look-ahead user interaction.

## **Cited References**

**[0015]** The Examiner cites Alexander as the reference in the anticipation-based rejections.

### **Alexander**

**[0016]** Alexander describes a technology that provides, among other things: Improved viewer interaction capabilities with the EPG; improved viewer control of video recording of future-scheduled programming; improved features to the EPG display and navigation; parental control of the EPG display; improved television program information access by the viewer; improved opportunities for the commercial advertiser to reach the viewer; improved product information access by the viewer; creation of a viewer's profile; utilization of viewer profile information to customize various aspects of the EPG; and utilization of viewer profile information to provide customized presentation of advertising to the viewer.

## **Anticipation Rejections**

[0017] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Alexander**

[0018] The Examiner rejects claims 1-28 under 35 U.S.C. § 102(b) as being anticipated by Alexander. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 1**

[0019] Applicant submits that Alexander does not anticipate this claim because it does not disclose the following elements as recited in this claim (with emphasis added):

- “presenting an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern;”

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<sup>1</sup> “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

- “in response to one or more triggering user interactions, ***presenting a quick EPG-navigation UI that is inlaid within the EPG UI***, the EPG-navigation UI having one or more user-selectable options therein, ***the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously***”

[0020] In rejecting claim 1, the Examiner cited col. 34, lines 46-49, which discusses the user interfaces illustrated in Figures 7 and 8 of Alexander. As shown in Figures 7 and 8 and that corresponding text, a user may be presented with a number of genres in a first UI (Figure 7). The user may then select a genre and, in response, be presented with another screen of program options (Figure 8), that screen replacing the presentation of the number of genres. In rejecting claim 1, the Examiner equates the presentation of genres to the schedule of multimedia programming, the user selection to the “triggering user interactions”, and the other screen of programs to “the quick EPG-navigation UI.”

[0021] In response, Applicant has amended claim 1 to more clearly point out the differences between Alexander and the claimed subject matter. Amended claim 1 recites that the quick EPG-navigation UI is *inlaid within the EPG UI*. Nothing in Alexander discloses that the other screen of program options shown in Figure 8 is inlaid within the UI of Figure 7. In fact, the UI of Figure 8 is shown as replacing that of Figure 7.

[0022] Also, amended claim 1 recites that the schedule of multimedia programming and inlaid quick EPG-navigation UI are “both being presented simultaneously.” In Alexander, in contrast, the UIs of Figures 7 and 8 are not

shown simultaneously. If a user selects a genre in Figure 7, the UI of Figure 7 is *replaced* with that of Figure 8.

**[0023]** Further, nothing in Alexander discloses that the screen of program options generated in response to a user selection of a genre is a *navigation* UI, as recited by claim 1. Rather, the list of movies presented in Figure 8 appears to be nothing more than a list of available content items, not a navigation-related UI.

**[0024]** Consequently, Alexander does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claims 13, 17, 21, and 25*

**[0025]** Claims 13, 17, 21, and 25 include recitations similar to those discussed above with regard to claim 1. Accordingly, for at least the same reasons, claims 13, 17, 21, and 25 are patentable over Alexander.

*Dependent Claims 2-12, 14-16, 18-20, 22-24, and 26-28*

**[0026]** These claims ultimately depend upon independent claims 1, 13, 17, 21, and 25. As discussed above, claims 1, 13, 17, 21, and 25 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Conclusion**

[0027] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Robert C. Peck/ \_\_\_\_\_ Dated: November 11, 2008

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